

REMARKS

Claim 8 has been amended to correct an inadvertent antecedent basis error. No new matter has been added. Claims 8-11, 18, 19 and 22-39 are pending in this application.

Rejections under 35 U.S.C. § 112

Claims 8, 9, 11, 19 and 23 were rejected under 35 U.S.C. § 112, 1st paragraph as failing to comply with the written description requirement. The Office Action asserts that the specification does not adequately describe a nonwoven fabric, a fibrous substrate, or a wet wipe that is not substantially dispersible, as recited in the claims.

The rejection of the claims under 35 U.S.C. § 112 is respectfully traversed. Applicants' specification explicitly discloses nonwoven fabrics, fibrous substrates and wet wipes that are not substantially dispersible in a wetting solution containing at least about 0.5 weight percent of an insolubilizing agent, at least at p. 5, line 31 – p. 6, line 21; p. 7, lines 23 – 29; p. 18, line 22 – p. 19, line 8; p. 36, lines 3-17; p. 38, lines 9-31; and p. 60, lines 9-24. As described in at least these portions of the specification, the claimed dispersible products maintain integrity and do not substantially disperse when present in an appropriate wetting solution. However, these same products can break apart and disperse when disposed into a tap water environment. Accordingly, claims 8, 9, 11, 19 and 23 are adequately described in the specification, and Applicants request that this objection be withdrawn.

Rejection under 35 U.S.C. § 102

Rejection over Mackey et al.

Claims 8-11 and 18-19 were rejected under 35 U.S.C. § 102(b) over Mackey et al. (U.S. Pat. No. 5,863,663). The Office Action asserts that Mackey et al. discloses a paper web substrate that is dispersible in all types of water, and that includes a starch binder as an insolubilizing agent and a quaternary ammonium salt as a binder. The substrate containing these additives is asserted to anticipate the fabrics, substrates and wet wipes as claimed.

The rejection of the claims over Mackey et al. is respectfully traversed, as the reference does not disclose each and every element of the claims. Specifically, Mackey et al. does not disclose a cationic polymer in the binder composition. Independent claims 8, 9, 11 and 19 recite a cationic copolymer containing quaternary ammonium groups, and independent claim 18 recites a cationic polymer. As noted throughout the specification, the cationic polymers as claimed include one or more monomeric units derived from a cationic monomer. See, for example, p. 9, lines 13-19, and p. 14, line 19 – p. 15, line 2. In contrast, the quaternary ammonium salts of Mackey et al. are not polymers, nor are they monomeric units within a polymer. These quaternary ammonium salts are possible emulsifiers for a high internal phase inverse emulsion (col. 10, lines 1-2 and 49; and col. 10, line 65 – col.11, line 13).

Mackey et al. also does not disclose fabrics, substrates or wipes having dispersibility properties as claimed. Independent claims 8, 9, 11 and 19 recite fabrics, substrates or wipes that are not dispersible in a wetting solution but that are dispersible in tap water. Independent claim 18 recites a fabric that has wet strength in an aqueous solution containing an insolubilizing agent and that is dispersible in hard or soft water. Thus, a fibrous material combined with a binder containing a cationic copolymer can provide for a product that has dispersibility properties that vary depending on the concentration of an insolubilizing agent or a salt. In particular, the claimed products are dispersible in tap water or in hard or soft water.

The Office Action has discounted the claimed dispersibility properties by attempting to classify these elements as statements of intended use of an apparatus. Applicants respectfully traverse the Office Action's treatment of these claim elements. The Office Action does not point to any language, either in the preamble or in the body of the claim, to support the assertion that the recital of dispersibility properties of a product could qualify as statements of intended use of an apparatus. The claims do not contain language that would render any of the claim elements to be "intended use" limitations (see MPEP 2111.02 and 2173.05(q)). Rather, the claimed dispersibility properties are clearly functional characteristics of the fabrics, substrates and wipes, and should be examined as functional limitations. As noted in MPEP 2173.05(g):

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.

Applicants respectfully request that the dispersibility properties be given full consideration in the examination of these claims.

With respect to the claimed dispersibility properties, Mackey et al. does not disclose, nor has the Office Action asserted that Mackey et al. discloses, a fabric, substrate or wipe that is not dispersible in a wetting solution but that is dispersible in tap water. Likewise, Mackey et al. does not disclose, nor has the Office Action asserted that Mackey et al. discloses, a fabric that has wet strength in an aqueous solution containing an insolubilizing agent and that is dispersible in hard or soft water. Rather, the Office Action asserts that Mackey et al. discloses substrates that are dispersible in "various types of water." If the substrates disclosed in Mackey et al. disperse in water regardless of the composition of the aqueous environment, then these substrates cannot, at the same time, be non-dispersible or have wet strength in wetting solutions containing at least about 0.5 weight percent of an insolubilizing agent.

Mackey et al. does not disclose each and every element of the claims. The reference does not disclose a cationic polymer in a binder, nor does the reference disclose the claimed dispersibility properties. Accordingly, Mackey et al. cannot

anticipate claims 8-11 and 18-19, and Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 U.S.C. § 103

Rejection over Mackey et al. and Incorvia et al.

Claims 22-39 were rejected under 35 U.S.C. § 103(a) over Mackey et al. in view of Incorvia et al. (U.S. Patent No. 5,525,261). The Office Action asserts that Incorvia et al. discloses a quaternary ammonium salt, and that it would be obvious to combine this salt with the substrate of Mackey et al.. The Office Action further asserts that the pH and solubility properties of claim 23 are inherent, in view of the Office Action's assertion that the same composition is described.

The rejection of the claims under 35 U.S.C. § 103(a) over Mackey et al. and Incorvia et al. is respectfully traversed. The applied references, alone or in combination, fail to provide each and every element of the claims. Independent claim 23 and independent claim 8 (from which claim 22 depends) each recite a nonwoven fabric that is not substantially dispersible in a wetting solution containing at least about 0.5 weight percent of an insolubilizing agent but that is substantially dispersible in tap water. As shown above, Mackey et al. does not disclose or teach a fabric having these dispersibility properties. Likewise, Incorvia et al. does not disclose or teach such a fabric. The fabrics disclosed in Incorvia et al. are clearly non-dispersible in tap water, as the fabrics can be washed and rinsed without dispersing into the constituent fibers. See, for example, col. 6, lines 44-47 and 54-57, and col. 7, lines 21-24.

With respect to claims 24-39, the Office Action asserts that the dispersibility properties recited in the claims are inherent. Claims 24-39 depend from independent claims 8, 9, 11, 18, 19 or 23, each of which recites dispersibility properties of the claimed fabric, substrate or wet wipe. Mackey et al. and Incorvia et al., alone or in combination, do not teach or suggest the claimed dispersibility properties, and the

references themselves provide proof that these properties are not inherent. Mackey et al. has been presented by the Office as disclosing a substrate that is dispersible in "various types of water." Incorvia et al. discloses fabrics that are not dispersible in water, as noted above.

Mackey et al. and Incorvia et al., alone or in combination, do not teach or suggest each and every element of claims 22-39. Accordingly, a *prima facie* case of obviousness has not yet been presented, and Applicants respectfully request that these rejections be withdrawn.


CONCLUSION

In conclusion, all of the grounds raised in the present Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Submitted herewith is a Petition for Extension of Time for three (3) months.

Respectfully submitted,

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